

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL JAY PEREZ,

Plaintiff,

V.

RICHARD MORGAN, et al.,

Defendants.

Case No. 3:16-cv-6023-RBL-TLF

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed plaintiff's complaint, Defendant Guidry's motion to dismiss, the Report and Recommendation of Magistrate Judge Theresa L. Fricke, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and **ORDER**:

- 1) The Court adopts the Report and Recommendation.
- 2) Defendant Guidry's motion to dismiss (Dkt. 37) is **DENIED**. Plaintiff may amend his complaint to cure the deficiencies noted in the Court's Order and shall file his amended complaint **within thirty (30) days from the date of this Order**.
- 3) This matter is **re-referred** to Magistrate Judge Theresa L. Fricke.
- 4) The Clerk is directed to send copies of this Order to plaintiff and to counsel for defendants.

DATED this 12th day of June, 2017.

Ronald B. Lightner

Ronald B. Leighton
United States District Judge